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6 Attorneys for Defendants  
MARK GARIBALDI and THE GARIBALDI COMPANY  
7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 EDITH MACIAS, individually and on  
behalf of similarly situated individuals;  
12 HOTON DURAN; TIFFANY HUYNH;  
AURA MENDIETA; WILLIAM  
13 LABOY; MIGUEL ACOSTA; CRUZ  
ACOSTA; CUAUHEMOC TORAL;  
14 TERESA VILLEGAS, KAPIKA  
SALAMBUE and MARINA DURAN  
15

16 Plaintiffs,

17 vs.

18 THOMAS J. TOMANEK; and MARK  
GARIBALDI, individually and doing  
business as THE GARIBALDI  
19 COMPANY,  
20

21 Defendants.

CASE NO. C07 3437 JSW

JOINT APPLICATION AND  
STIPULATION RE RESCHEDULING  
INITIAL CASE MANAGEMENT AND  
ADR DEADLINES AND CASE  
MANAGEMENT CONFERENCE;  
[~~PROPOSED~~ ORDER]

22 STIPULATION AND APPLICATION  
23

24 WHEREAS,

25 1. The two Defendants herein each filed motions to dismiss the complaint.

26 [Documents 7 and 11] As part of that process, and in order to potentially save the parties  
27 and the court great time and expense, all parties hereto stipulated to enlarge the time for  
28

1 complying with the usual initial case management activities and to re-set the date of the  
 2 initial case management conference [Doc. 17], so that they would occur after the hearing  
 3 on the motions to dismiss.

4  
 5 2. The court granted this stipulated application [Doc. 18]. Thus the initial meet and  
 6 confer and ADR Certificate filing date was re-set to occur two weeks after the hearing date  
 7 on the motions to dismiss, the Rule 26 disclosure was set to occur three weeks after the  
 8 hearing on the motions to dismiss, and the initial case management conference was re-set  
 9 to occur on a date that was six weeks after the hearing on the motion to dismiss, and three  
 10 weeks after filing of the Rule 26 disclosure and case management statements. [Doc. 18]

11  
 12 3. In response to the motions to dismiss, plaintiffs filed a first amended complaint  
 13 [Doc. 19], and defendants again filed motions to dismiss. [Docs. 20 and 22] The motions to  
 14 dismiss the first amended complaint were set for hearing on January 11, 2008. [Doc 21]  
 15 Plaintiffs have filed their opposition to the motions [Docs. 27 and 28], and defendants have  
 16 filed replies [Docs. 31 and 32].

17  
 18 4. As ordered by the court [see Doc. 18], the current scheduling of these matters is  
 19 as follows:

- 20  
 21 – 12/14/07 Current last day to confer re disclosures, ADR, etc. and last day to file  
 22 Joint ADR Certification, etc.  
 23 – 12/21/07 Current last day to file Rule 26(f) Report and Case Management  
 24 Statement  
 25 – 1/11/08 Initial Case Management Conference as currently scheduled  
 26 (1:30 p.m.)  
 27 – 1/11/08 Current hearing date/time for motions to dismiss (9:00 a.m.)  
 28

1 5. In order to save great time and expense for the parties and for the court as well,  
2 all parties herein have agreed and jointly ask the court to maintain January 11, 2008 as the  
3 hearing date for the motion to dismiss, but to re-set the other deadlines and hearing dates  
4 listed in paragraph 4 above, as follows:

5  
6 1/25/08 New last day to confer re disclosures, ADR, etc. and last day to file  
Joint ADR Certification, etc.  
7  
8 2/1/08 New last day to file Rule 26(f) Report and Case Management  
Statement  
9  
10 2/22/08 New date for Initial Case Management Conference (1:30 p.m.)

11 The above is SO STIPULATED.

12  
13  
14 DATED: 12/12/07

BRANCART & BRANCART

*Elizabeth Brancart*

ELIZABETH NOONAN BRANCART  
Attorneys for Plaintiffs

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19  
20 DATED: \_\_\_\_\_

ALLMAN & NIELSEN

SARA B. ALLMAN  
Attorneys for Defendant Thomas J. Tomanek

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27 ///

1           5. In order to save great time and expense for the parties and for the court as well,  
2 all parties herein have agreed and jointly ask the court to maintain January 11, 2008 as the  
3 hearing date for the motion to dismiss, but to re-set the other deadlines and hearing dates  
4 listed in paragraph 4 above, as follows:

5  
6           1/25/08       New last day to confer re disclosures, ADR, etc. and last day to file  
                            Joint ADR Certification, etc.

7  
8           2/1/08       New last day to file Rule 26(f) Report and Case Management  
                            Statement

9           2/22/08       New date for Initial Case Management Conference (1:30 p.m.)

10  
11           The above is SO STIPULATED.

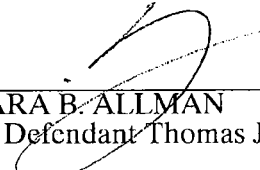
12  
13  
14 DATED: \_\_\_\_\_

BRANCART & BRANCART

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17 ELIZABETH NOONAN BRANCART  
Attorneys for Plaintiffs

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20 DATED: 12-11-07

ALLMAN & NIELSEN, P.C.

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23 SARA B. ALLMAN  
Attorneys for Defendant Thomas J. Tomanek

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27 ///

1 DATED: 12/11/07

FARBSTEIN & BLACKMAN, APC

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3  
4 JOHN S. BLACKMAN  
Attorneys for Defendants Mark Garibaldi and  
The Garibaldi Company

6 ORDER

7 Good cause appearing therefor, the court orders changes to the scheduling in this  
8 case as follows:

9 New last day to meet and confer re initial  
10 disclosures, early settlement, ADR process  
selection, and discovery plan

January 25, 2008

11 [or: \_\_\_\_\_]

12 New last day to file Rule 26(f) Report,  
13 complete initial disclosures or state  
objection in Rule 26(f) Report  
14 per Standing Order, and to file Case  
Management Statement

February 1, 2008

15 [or: \_\_\_\_\_]

16  
17 New date/time for Initial Case Management  
18 Conference, in Courtroom 2, 17<sup>th</sup> Floor

February 22, 2008, at 1:30 p.m.

18 [or: \_\_\_\_\_]


19  
20 The hearing date/time for the motions to  
21 dismiss the first amended complaint shall  
remain as previously ordered:

January 11, 2008, at 9:00 a.m.

22 [or: \_\_\_\_\_]

23  
24 Dated: December 13, 2007

25 JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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27  
28 4   
JOINT APPLICATION AND STIPULATION  
RE RESCHEDULING INITIAL CASE  
MANAGEMENT AND ADR DEADLINES;  
[PROPOSED] ORDER